

REMARKS

Claims 1-20 are pending in the present application. Claims 1-20 stand rejected under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 5,574,841 to Thompson et al. (the Thompson patent). Claims 1-8 and 10-20 stand rejected under 35 U.S.C. §112, second paragraph, for indefiniteness.

Applicant respectfully traverses the rejections and urges allowance of the present application.

Referring to the rejections under 35 U.S.C. §102(b), the PTO and Federal Circuit provide that §102 anticipation requires that *each and every element* of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of *any* claimed element negates the anticipation. *Kloster Speedsteel AB, et al. v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Referring initially to independent claim 1, a method of increasing the power handling capacity of a power line comprises, in part, providing a conductor, supporting the conductor, creating a model of the conductor following the supporting step, identifying a critical span, altering the model conductor responsive to the identifying step and analyzing the model conductor following the altering step. Such is not shown or suggested in the prior art.

1 Referring to the Thompson patent, a method of designing and
2 maintaining a power line is disclosed. The Thompson patent teaches the
3 design of a new power line. For example, at column 3, lines 17-20, the
4 Thompson patent refers to modifying an initially designed power line to
5 achieve a suitable design. The Thompson patent is primarily directed
6 towards determining the positioning of towers to support the power line
7 as well as determining the height of such towers to provide a suitable
8 design. Such pertains to the design of new power line systems. The
9 Thompson patent in column 4, lines 15-19, also refers to the
10 maintenance of existing power lines, including refurbishment surveys.
11 The Thompson patent merely teaches monitoring existing support
12 structures and checking them against design database information. Such
13 implements maintenance operations in the Thompson patent.

14 The Thompson patent is devoid of any teaching or suggestion of
15 creating a model of a conductor following the supporting of the
16 conductor as well as identifying a critical span within the modelled
17 conductor, altering the modelled conductor responsive to the identifying,
18 and analyzing the modelled conductor following the altering. In fact,
19 the Thompson patent fails to teach or suggest the provision of any
20 model of the conductor *following the supporting of the conductor*. In
21 accordance with the above-cited authority, the Thompson patent fails to
22 anticipate or render obvious Applicant's independent claim 1 for at least
23 the above reasons.
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1 Positively cited limitations defined by Applicant have been utterly
2 ignored in formulating the subject §102 rejection of independent claim 1.
3 Such is contrary to the above-cited authority and Applicant respectfully
4 requests withdrawal of the anticipation rejection. Applicant respectfully
5 requests allowance of independent claim 1.

6 Claims 2-8 depend from independent claim 1 and therefore are in
7 condition for allowance for the reasons discussed above with respect to
8 claim 1 as well as for their own respective features which are neither
9 shown nor suggested by the cited art.

10 Independent claim 9 defines, in part, a method of increasing the
11 power handling capability of a power line comprising, in part, providing
12 a conductor, supporting the conductor using a plurality of clamps, and
13 altering the conductor including at least one of removing a portion of
14 the conductor and adjusting the positioning of one of the clamps relative
15 to the conductor. Claim 9 defines patentable subject matter.

16 The Thompson patent fails to teach or suggest the method defined
17 in independent claim 9 including the step of altering the conductor.
18 The Thompson patent teaches designing initial power lines and
19 maintaining existing power lines by checking the position of the power
20 line relative to existing database information. In no fair interpretation
21 does the Thompson patent teach or suggest the claimed altering of a
22 conductor including at least one of removing a portion of a conductor
23 and adjusting the positioning of one of the clamps relative to the
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1 conductor as claimed. Claim 9 is allowable for at least this reason
2 alone.

3 On page 5 of the Office Action, it is stated that the Thompson
4 patent teaches the using/modelling usage of jumpers (i.e., clamps). The
5 mere teaching of jumpers fails to disclose or suggest the altering of a
6 conductor including at least one of removing a portion of a conductor
7 or adjusting the positioning of one of the clamps relative to the
8 conductor as claimed. Once again, express limitations within Applicant's
9 claims have been utterly ignored in formulating the anticipation rejection.
10 Applicant submits that independent claim 9 defines subject matter which
11 is novel and nonobvious over the prior art. Accordingly, Applicant
12 respectfully requests allowance of independent claim 9.

13 Claims 10-13 depend from independent claim 9 and therefore are
14 in condition for allowance for the reasons discussed above with respect
15 to claim 9 as well as for their own respective features which are neither
16 shown nor suggested by the cited art.

17 Independent claim 14 defines a method of increasing the power
18 handling capability of a power line comprising, in part, providing a
19 conductor, creating a model of the conductor, and altering the modelled
20 conductor responsive to the identifying step. The steps of claim 14 are
21 not shown or suggested in the prior art of record.

22 The Thompson patent fails to teach or suggest the method defined
23 by independent claim 14 including creating a model of a provided
24 conductor configured to transmit energy intermediate plural locations.

1 The Thompson patent refers to the initial design of a conductor and the
2 maintenance of a conductor including checking existing power line data
3 against known database information. Such fails to teach or suggest the
4 provision of a conductor configured to transmit energy intermediate
5 plural locations and altering a modelled conductor in combination with
6 the other claimed method steps. Independent claim 14 defines
7 patentable subject matter over the prior art of record and is in
8 condition for allowance.

9 Claims 15-20 depend from independent claim 14 and therefore are
10 in condition for allowance for the reasons discussed above with respect
11 to claim 14 as well as for their own respective features which are
12 neither shown nor suggested by the cited art.

13 For example, claim 17 defines altering the conductor following the
14 first analyzing step and the second analyzing step. The Thompson
15 patent fails to teach or suggest the altering of the conductor and merely
16 refers to design changes during the *design stages* of the conductor.
17 Dependent claim 17 is allowable for this additional reason.

18 Applicant has made amendments to the claims for clarity. All
19 claims are believed definite in accordance with 35 U.S.C. §112, second
20 paragraph. Applicant requests withdrawal of the indefiniteness rejection.

21 Applicant respectfully requests allowance of all pending claims.

22 The Examiner is requested to phone the undersigned if the
23 Examiner believes such would facilitate prosecution of the present
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1 application. The undersigned is available for telephone consultation at
2 any time during normal business hours (Pacific Time Zone).

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4 Respectfully submitted,

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6 Dated: 10/26/99

By: 

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